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Yanming Liu
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SEP 13 2002

In re Application of
Berkey et al.
Application No. 10/085,798
Filed: February 26, 2002
Attorney Docket No. SP02-042
For: Broadband Access
Optimized Fiber and Method of
Making

OFFICE OF PETITIONS

LETTER

Mr. Liu:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831



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Paper No. 8

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

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DECISION GRANTING
PETITION UNDER
37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(b), filed July 9, 2002 (certificate of mailing July 2, 2002),¹ which has been treated as a petition under 37 CFR 1.47(a).¹ Petitioner has obtained a one-month extension of time to reply. Therefore, the petition is filed timely.

The petition is granted.

Petitioner has shown that Yanming Liu, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, William J. Chervenak, Patent Agent, indicated in the record that Mr. Liu was in possession of a copy of the application papers but refused to sign the declaration without compensation. Mr. Chervenak further indicated that an agreement between Corning and Mr. Liu as to the amount of compensation could not be reached.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

¹ A petition under 37 CFR 1.47(b) is inappropriate in this instance since all but one of the inventors has signed the declaration. A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors will sign, accordingly the petition will be treated as a petition under 37 CFR 1.47(a).

The petition fee and extension of time fee, totaling \$240.00, have been charged to Deposit Account No. 03-3325, as authorized in the petition.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy